

EXHIBIT H – Part 2

COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
FEN Z. CHEN, JIN L. DONG, DE Q. LIAN,
DIAN LIN, GONG Y. WANG, ZHUK YONG,
JIN D. YOU and CONG D. ZHENG,

Plaintiffs,

-against-

07 CV 03307
(LTS) (RLE)

REPUBLIC RESTAURANT CORP., REPUBLIC
GC, LLC, ME'KONG DELTA, INC., HUY CHI
LE, LINH HUE LE and LIANG JIN LIN,

Defendants.
-----x

March 11, 2008
11:56 A.M.

Deposition of Plaintiff, by JIN
LONG DONG, taken by Defendants, pursuant to
Notice, at the offices of McDermott Will &
Emery LLP, 340 Madison Avenue, New York, New
York 10017-4613, before Charisse Romeo, a
Shorthand Reporter and Notary Public within
and for the State of New York.

ARTA PASCULLO, President



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1 J. Dong

2 A. It seemed that it is out of
3 business.

4 Q. It is out of business?

5 A. Yes.

6 Q. When you worked for that
7 restaurant, were you paid in cash or by check?

8 A. Cash.

9 Q. When you went to work for
10 Republic, were you paid by cash or by check?

11 A. Part, part of the salary is in
12 check and part of the salary is in cash.

13 Q. Since you have been working at
14 Republic, have you paid taxes?

15 A. Oh, yes and my employer give me
16 W-2 form and then I file the income tax
17 report.

18 Q. And did you do your taxes
19 yourself or do you have someone help you?

20 A. Yes, my accountant helped me to
21 file tax report.

22 Q. And who is your accountant?

23 A. Okay the name, the name of my
24 accounting firm is Jian Hua accounting firm,
25 J-I-A-N, H-U-A.

1 J. Dong

2 A. No. No.

3 Q. No?

4 A. No.

5 Q. How do you provide information to
6 your accountant about what you are going to
7 pay taxes on?

8 A. Well, when my employer give me
9 W-2 form, I just present it to my accountant
10 and he helped me -- my accountant helped me to
11 file the income tax report.

12 Q. And your accountant never asked
13 you about what money you make in tips that's
14 not under your W-2?

15 MR. ADLER: To the extent that we
16 are getting into potentially
17 incriminating information, we request
18 to confer with our client before he
19 answers.

20 MR. COHEN: Sure, confer with
21 your client.

22 (Witness and counsel confer from
23 12:07 P.M. until 12:10 P.M.)

24 MR. COHEN: Can you read back the
25 last question?

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March 11, 2008
9:55 A.M.

Deposition of Plaintiff, by CONG
DIAN ZHENG, taken by Defendants, pursuant to
Notice, at the offices of McDermott Will &
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1 C. Zheng

2 Q. That's right?

3 A. Yes.

4 Q. Do you receive any government
5 subsidies?

6 A. No.

7 Q. Do you live in government
8 subsidized housing?

9 A. No.

10 Q. Do you receive money back on
11 taxes because you declare income that is below
12 a certain level?

13 MR. ADLER: Object to form.

14 A. Yes. Yes.

15 Q. And do you do your taxes by
16 yourself or do you have an accountant?

17 A. Accountant.

18 Q. Who is your accountant?

19 A. It was on the second floor of
20 Broadway. That was at 21 East Broadway,
21 second floor.

22 Q. But you don't know the name?

23 A. I don't remember.

24 Q. And how long have they been doing
25 your taxes?

1 C. Zheng

2 A. It was -- it is that accountant
3 who has been helping me to report my income
4 tax.

5 Q. I know. How long?

6 A. I don't remember. About ten
7 years.

8 Q. Ten years?

9 A. Yes, more than ten years. It was
10 more than ten years that that accountant
11 helped me to file my income tax report.

12 Q. Did the accountant explain to you
13 that if you report an income level below a
14 certain amount, the government gives you money
15 back?

16 MR. ADLER: Object to form.

17 A. That he didn't tell me about. He
18 just helped me to calculate how much I earned
19 and helped me to file the income tax report.

20 Q. Well, how long has it been that
21 you get money back from the government because
22 your income level is too low?

23 A. That had no -- that I don't
24 remember. All I remember is when it is time
25 for filing the tax report, I did that.

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March 11, 2008
1:24 P.M.

Deposition of Plaintiff, by DE
QING LIAN, taken by Defendants, pursuant to
Notice, at the offices of McDermott Will &
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1 D. Lian

2 Q. When approximately did you know
3 about it from reading the newspaper?

4 A. I heard from people who went on
5 strike across the street in April of 2007.

6 Q. So that is the first time that
7 you found out about it?

8 A. That's correct.

9 Q. So I don't understand, what was
10 it you were talking about when you said you
11 learned this from reading the newspapers?

12 A. I learned it from both the
13 strike, the people who went on strike, as well
14 as from the newspaper.

15 Q. But it wasn't in the newspaper
16 until the people across the street went on
17 strike?

18 A. That's correct.

19 Q. Okay. And do you live in
20 government subsidized housing?

21 A. No.

22 Q. Do you get something called the
23 earned income tax credit?

24 A. No.

25 Q. Do you file your own taxes or

1 D. Lian

2 does somebody help you?

3 A. Every year the employer will
4 issue me a W-2 form.

5 Q. Yes.

6 A. Then I present it to my
7 accountant, who helped me to file the income
8 tax report.

9 Q. Does the W-2 form reflect all of
10 the taxes, all of the tips that you earned?

11 A. No.

12 Q. Who is your accountant, by the
13 way?

14 A. Jian Hua, J-I-A-N, H-U-A,
15 accounting firm.

16 Q. Where are they located?

17 A. It is located in Chinatown.

18 Q. And has your accountant ever
19 explained that if you report income below a
20 certain level, the government will pay you
21 money?

22 A. This I don't understand.

23 Q. Do you get money back from the
24 government?

25 A. Yes.

1 D. Lian

2 Q. And do you know why you get money
3 back from the government?

4 A. I didn't know either. All I knew
5 was I got W-2 form, I submit it to my
6 accountant and he helped me to file income tax
7 report.

8 Q. And do you agree with your
9 co-workers who testified here today that since
10 you've been using the sign-in/sign-out sheets,
11 that that accurately reflects your hours?

12 A. Yes.

13 Q. And are you being paid for all
14 the hours that you worked since the
15 sign-in/sign-out sheets went into effect?

16 A. Currently our salary was based on
17 40 hours a week.

18 Q. Have you ever since the
19 sign-in/sign-out sheets worked more than 40
20 hours a week?

21 A. Yes.

22 Q. And do you get paid overtime when
23 you work more than 40 hours a week?

24 A. Now, yes.

25 Q. And are you happy with the new

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March 11, 2008
2:22 P.M.

Deposition of Plaintiff, by GONG

YI WANG, taken by Defendants, pursuant to
Notice, at the offices of McDermott Will &
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1 G. Wang

2 A. No.

3 Q. No. Okay. Now, do you live in
4 subsidized housing?

5 A. No.

6 Q. Okay. Do you know what the
7 income tax credit is?

8 A. No.

9 Q. Do you have an accounting firm
10 that helps you file your taxes?

11 A. Yes.

12 Q. What's the name of the accounting
13 firm?

14 A. Jian Hua, J-I-A-N, H-U-A,
15 accounting firm.

16 Q. Where are they located?

17 A. Well, it was behind a
18 supermarket, I don't -- I don't remember. I'm
19 not sure whether it is on Henry Street or
20 what.

21 Q. Okay. And did anyone who spoke
22 to you at the accounting firm explain to you
23 what the earned income tax credit was?

24 A. No.

25 Q. No, okay. Are you aware that if

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February 22, 2008
9:45 A.M.

Deposition of Plaintiff, by FEN

Z. CHEN, taken by Defendants, pursuant to
Notice, at the offices of McDermott Will &
Emery LLP, 340 Madison Avenue, New York, New
York 10017, before Charisse Romeo, a Shorthand
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1 F. Chen

2 A. The answer is yes.

3 Q. Do you fill out any forms for the
4 government that are written in English?

5 MR. ROSSELLI: Objection to form.

6 A. No, I cannot.

7 Q. How do you fill out tax forms?

8 A. Yes, I went to my accountant, the
9 office, someone over there helped me.

10 Q. What is the name of your
11 accountant?

12 A. The name is called Jian Hua,
13 J-I-A-N H-U-A, H-U-A last name.

14 Q. Where is your accountant located?

15 A. It is located in Madison Street.

16 Q. In Chinatown?

17 A. Yes.

18 Q. We were talking about the
19 restaurants that you worked for, the jobs that
20 you had before you worked at Republic, where
21 did you work after Great Wall?

22 A. After that I went to another
23 restaurant located in 59th Street, it is
24 called West Side something, I didn't work
25 there for long time.

1 F. Chen

2 ever come a point in time when you were
3 concerned or interested in why taxes were
4 being taken out of your paycheck?

5 MR. ROSSELLI: Objection.

6 A. Can you repeat?

7 Q. Did there come a point in time
8 when you did become interested in taxes being
9 paid out of the income that you earned?

10 A. I was paid by a check two weeks.
11 I understand, I realize that my check was
12 supposed to get between 550 and \$600 for the
13 two-week period. And also that in addition to
14 that I was paid by cash, a certain amount.

15 However, as a matter of fact,
16 what I actually received, the face amount of
17 the check I received was 250 only, therefore,
18 I believe that my boss had deduct certain
19 amount for tax.

20 Q. And was this true for all the
21 restaurants that you had worked for before
22 Republic as well?

23 A. No, all other bosses pay me cash.

24 Q. Okay.

25 When you filed tax returns, did

1 F. Chen

2 you discuss the payment of taxes with your
3 accountant?

4 A. I gave all my documents, all the
5 paperworks to my accountants and it is totally
6 up to my accountants to proceed.

7 Q. Okay.

8 Do you own your own home or do
9 you rent?

10 A. Rent

11 Q. Do you have a lease?

12 A. Yes. I have a lease, but since I
13 live in Brooklyn as a common practice that the
14 I usually live there, the lease is a year's
15 lease. If I feel comfortable, I'll continue
16 to stay. If I feel uncomfortable, I may move
17 out any time.

18 Q. But is there a lease?

19 A. Annual lease.

20 Q. Is the lease in English or is the
21 lease in Chinese?

22 A. Chinese.

23 Q. And is the owner of the building
24 Chinese?

25 A. Yes.

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February 19, 2008
2:23 P.M.

Deposition of Plaintiff, by ZHU
KANG YONG, taken by Defendants, pursuant to
Notice, at the offices of McDermott Will &
Emery LLP, 340 Madison Avenue, New York, New
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1 Z. Yong

2 A. For instance, whenever I have
3 Medicaid card I have to apply for or if I want
4 to know what the bank statement was about or
5 if I want to understand what the telephone
6 bill was all about, for all those matters I
7 went to that law office.

8 Q. Are you married?

9 A. Yes.

10 Q. Is your wife Chinese?

11 A. Yes.

12 Q. Does she speak English at all?

13 A. No.

14 Q. Other than Medicaid, do you
15 receive any kind of subsidy from the federal
16 government?

17 A. No.

18 Q. Do you live in federal housing?

19 A. No.

20 Q. Okay. And do you file tax
21 returns?

22 A. Yes.

23 Q. And how do you fill out the tax
24 returns, if you don't speak English?

25 A. When I got my W-2 form, I just

1 Z. Yong

2 bring it to the accountant, accounting office
3 and I have the accountant's file the tax
4 return for us.

5 Q. And what accounting office is
6 that?

7 A. In Chinese is Zhong Cheng
8 accounting firm. If I translate Zhong Cheng,
9 it means faithful.

10 Q. And where are they located?

11 A. It is located in Chinatown.

12 MR. COHEN: Should I assume that
13 in terms of questions about payment of
14 taxes and questions about tax returns,
15 that he is also going to take the Fifth
16 Amendment?

17 MR. ROSSELLI: I don't want to
18 speak for him.

19 MR. COHEN: Well, why don't you
20 ask him now so we can do it all at
21 once.

22 MR. ROSSELLI: Sure.

23 (Recess taken.).

24 MR. COHEN: Is my assumption
25 correct?